

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Lannon Lavar Burdunice,

Case No. 20-CV-2215 (MJD/TNL)

Petitioner,

v.

ORDER

State of Minnesota,

Respondent.

On November 16, 2020, this Court recommended that petitioner Lannon Lavar Burdunice's motion for an extension of time in which to file a habeas corpus petition [ECF No. 1] be denied without prejudice to Burdunice's right to later file a habeas petition. *See* ECF No. 6. Later that day, the Court received Burdunice's petition for a writ of habeas corpus. *See* ECF No. 7. This Court's prior recommendation of dismissal is now moot in light of Burdunice's filing of the habeas petition; accordingly, that recommendation will be vacated. The government is hereby directed to file an answer to the habeas petition, as set forth below.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. This Court's Report and Recommendation of November 16, 2020 [ECF No. 6] is **VACATED**.

2. Respondent is directed to file an answer to Burdunice's petition for a writ of habeas corpus [ECF No. 7], showing cause why the writ should not be granted.
3. Respondent's answer must fully comply with the requirements of Rules 5(b), (c) and (d) of the Rules Governing Section 2254 Cases in the United States District Courts and must include a reasoned memorandum of law and fact fully stating respondent's legal position on Burdunice's claims. The answer must be filed with the Court **within thirty days of the date of this order**, and a copy of the answer must be served upon Burdunice simultaneously with such filing.
4. If Burdunice intends to file a reply to the answer, he must do so **within thirty days of the date when respondent's answer is filed**.
5. Thereafter, no further submissions from either party will be permitted, except as expressly authorized by Court order.

Date: December 22, 2020

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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